

DATE: August 12, 2024
REPORT NO: C-04-2024
SUBJECT: **By- Election for Vacant Ward 3 Councillor Position**
CONTACT: Justin Paylove, Director of Legislative Services/Clerk

OVERVIEW:

- This report will provide information and recommend dates relating to the holding of a By-election to fill the Councillor vacancy in Ward 3, set voting day and advance voting dates, and establish the use of voting machines for the By-election.

RECOMMENDATION:

1. That, Recommendation Report C-04-2024, dated August 12, 2024 titled “By-Election for Vacant Ward 3 Councillor Position”, be received; and,
2. That, Council approve Budget amendment BA2024-08 authorizing a transfer from the Contingency Reserve up to \$30,000 in order to fund the 2024 By-election; and,
3. That, a by-law be adopted to provide for the holding of a By-Election on November 4, 2024, for the vacant office of one Councillor position for Ward 3, in the Township of West Lincoln, for the remainder of the 2022-2026 Term of Council; and,
4. That, a by-law be adopted to provide for the following advance votes to be held prior to voting day for the By-election:
 - (a) Friday, October 25, 2024 from 6:00 p.m. to 9:00 p.m. at the West Lincoln Community Centre, 177 West Street, Smithville, Ontario
 - (b) Saturday, October 26, 2024 from 10:00 a.m. to 4:00 p.m. at the Legion Villa 2, 161 Mill Street, Smithville, Ontario; and
5. That a By-law be adopted to provide for the use of voting machines, voting recorders, optical scanning vote tabulators or other voting devices at elections.

ALIGNMENT TO STRATEGIC PLAN:

N/A

BACKGROUND:

Following the absenteeism from the meetings of Council for three successive months without being authorized to do so by a resolution of council, and the declaration of the seat as vacant at the June 24, 2024 Council meeting, Council adopted the following recommendations in relation to filling the vacancy for a Councillor in Ward 3:

1. That Recommendation Report C-02-2024 titled, “Options relating to filling the vacancy of the Office for one (1) Councillor position for Ward Three (3)”, dated July 15, 2024, be received; and
2. That the Clerk be given direction that the vacancy of the Office for one (1) Councillor position for Ward Three (3) for the remainder of the 2022-2026 term of Council be filled through option # 2. Fill Vacancy by Holding a By-Election.

The process to fill a vacancy by a By-election is prescribed by the Municipal Elections Act (MEA). A By-election is to be conducted in the same method as a regular election, with the exception of some time frames.

The date for voting day and advance vote dates for the By-election must be set in order to begin the By-election process. Additionally, a by-law to confirm the use of voting machines, etc. is required.

CURRENT SITUATION:

A by-law to authorize the holding of the By-election is required and must be passed within 60 days of declaring the vacancy (Municipal Act Section 263(5)(1)) which means that a by-law must be adopted by no later than August 23, 2024.

Administration has established the following dates with respect to the By-election process, in order to provide sufficient preparation time:

Proposed Timelines for the holding of the By-election:

- August 13: Nomination period begins
- August 13-October 31: Filing of notice of registration as third-party advertiser
- September 20: Nomination Day (nomination period ends at 2 p.m.)
- September 20: Withdrawal of nominations (by 2 p.m.)
- September 23: Certification of nominations
- October 25, Advance Voting – West Lincoln Community Centre
- October 26, Advance Voting – Legion Villa #2
- November 4, Voting Day – West Lincoln Community Centre

FINANCIAL IMPLICATIONS:

The estimated cost to run a by-election would be approximately \$25,000 to \$30,000. This includes the hard costs of equipment, supplies, advertising, etc. as well as soft costs such as labour. The Township does have an election reserve, which is funded through the tax base at an annual amount of \$36,000. This election reserve is intended to be used to fund the regular election which is held every four years. The current balance in the election

reserve is \$81,285. If the current allocation of \$36,000 is made in 2025 and 2026 the balance in the reserve for the 2026 election would be \$153,285. The 2022 election costs were approximately \$144,000, indicating that there will be sufficient funds in the election reserve to fund the regular election in 2026. In the case of a by-election, staff would recommend that a transfer from the contingency reserve be used to fund the costs.

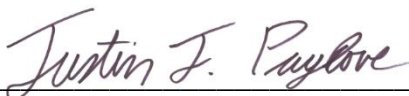
INTER-DEPARTMENTAL COMMENTS:

This report has been reviewed by the Chief Administrative Officer.

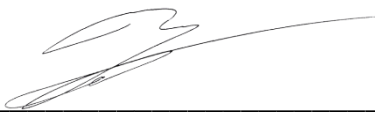
CONCLUSION:

This report is to inform Committee and Council that Administration recommends the adoption of the required by-laws as outlined in this report, in order to initiate the By-election process.

Prepared & Submitted by:


Justin Paylove, Clerk

Approved by:


Truper McBride, CAO